

10 ERNEST J JACKSON,
11 Plaintiff,
12 v.
13 GEORGE MICHEAL NEILL, et al.,
14 Defendants.

7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA

10 Case No. 17-cv-07043 NC

11
12 **ORDER TO SHOW CAUSE
13 REGARDING DIVERSITY
14 JURISDICTION**

15 Re: Dkt. No. 1

16 Defendants George Micheal Neill and RMR Financial, LLC (dba First Capital)
17 removed this case from California state court on the basis of diversity jurisdiction. Dkt.
18 No. 1 at 2. It is the Court's duty to examine whether it has subject matter jurisdiction over
19 any case before it.

20 Federal courts are courts of limited jurisdiction and are presumptively without
21 jurisdiction. *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 377 (1994). The
22 defendant has the burden of showing removal of a state court action to federal court is
23 appropriate. *Gaus v. Miles, Inc.*, 980 F.2d 564, 566 (9th Cir. 1992). Removal of a state
24 court action to federal court is appropriate only if the federal court would have had original
25 subject matter jurisdiction over the suit. 28 U.S.C. § 1441(a).

26 It is not clear that diversity of citizenship exists here, and so the existence of subject
27 matter jurisdiction is uncertain. This is because defendant RMR Financial is a limited
28 liability company, and the citizenship of each member of the company must be considered
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1 in the diversity analysis. *Carden v. Arkoma Assocs.*, 494 U.S. 185, 195 (1990); *Johnson v.*
2 *Columbia Properties Anchorage, LP*, 437 F.3d 894, 899 (9th Cir. 2006). RMR Financial
3 did not inform the Court of the citizenship of each of the LLC's members. Thus, the Court
4 ORDERS RMR Financial, LLC to SHOW CAUSE why the Court has subject matter
5 jurisdiction over this case. RMR Financial must file a response to this order by December
6 29, 2017. That response may not exceed 5 pages in length. Both parties have not yet
7 consented to nor declined the jurisdiction of a magistrate judge. 28 U.S.C. § 636(c). For
8 this reason, if RMR Financial does not respond to this order, the Court will order this case
9 transferred to a district court judge with the recommendation that this case be remanded to
10 California state court.

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12 **IT IS SO ORDERED.**

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14 Dated: December 18, 2017

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17 NATHANAEL M. COUSINS
18 United States Magistrate Judge

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